

Docket No.: SPRX-021

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR DETERMINING TISSUE CHARACTERISTICS, the specification of which

☒ [X] is attached hereto ☐ [] was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365 (b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Number

Country

Foreign Filing Date

Month/Day/Year

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s):

Filing Date (Month/Day/Year)

60/085,941

May 19, 1998

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Prior U. S. Application
or PCT Parent Number

Filing Date (Month/Day/Year)

Parent Patent Number (if applicable)

PCT/US99/10947

May 19, 1999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Daniel Y. J. Kim, Registration No. 36,186 and Mark L. Fleshner, Registration No. 34,596; Carl R. Wesolowski, Registration No. 40,372, John C. Eisenhart, Registration No. 38,128, Carol L. Druzbeck, Registration No. 40,287; and Anthony H. Nourse, Registration No. 46,121, all of

FLESHNER & KIM, LLP
P. O. Box 221200
Chantilly, Virginia 20153-1200

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Full name of sole or first inventor: Shabbir BAMBOT

Inventor's signature: Shabbir Bambot

Date: 10/11/00

Residence: 650 Manor Glen Drive, Suwanne, Georgia 30024

Citizenship: India

Post Office Address: 650 Manor Glen Drive, Suwanne, Georgia 30024

Full name of joint inventor(s): Mark L. FAUPEL

Inventor's signature: Mark L. Faupel

Date: 10/11/00

Residence: 530 Windswept Way, Alphretta, Georgia 30022

Citizenship: United States of America

Post Office Address: 530 Windswept Way, Alphretta, Georgia 30022

Full name of joint inventor(s): Glenn Steven ARCHE

Inventor's signature: Glenn Steven Arche

Date: 10/11/00

Residence: 2451 Stonecroft Way, Duluth, Georgia 30097

Citizenship: United States of America

Post Office Address: 2451 Stonecroft Way, Duluth, Georgia 30097